423 of land settlement resembles the Middle Eastern (Arab) "mus-
614 ha's" land tenure.

No individual or nuclear family can sell, or otherwise alienate, "rest" land belonging to the kin group. He may ask them for permission to do so, but in Amhara provinces this is usually refused. On the other hand, if he moves to a different province (which has happened particularly since Menelik's borderland conquests), his kinfolk will hold his claim in trust so that a returning grandson can claim his rights in full. He can even do this, in some cases of particularly strong and proud families, if the inheritance is on his mother's side.

It is interesting that the Biblical principle of the kinsman-redeemer of the land is still in force among the Amhara, in the same spirit. Cases of this kind have arisen increasingly in the past decade, because of the emperor's efforts to settle landless squatters, who have worked fallow land and have paid tithe for several years. If such formerly fallow land belonged to "rest" kin groups, they try to evict the squatters through legal(or sometimes illegal) means, thus "redeeming the land" for the kin group.

423 For purposes of inheritance, landholding kin usual-
●428 ly include all descendants to the "fourth house", i.e. the
614 great-grandsons. After that, disputes usually arise. If no kin survives-- a very rare occurrence--the partners of the "mahabber" sodality to which the deceased belonged, have a final claim, before the land reverts to the regional authority. Affinal relations, except for the mate who shares equally with children of the deceased, are not considred kin for purposes of inheritance of land. If there are no children, the wife has user claims up to half the estate, which would have been her portion in case of divorce.

[584]

423 have been her portion in case of divorce. If the deceased
428 left an infant, the widow is expected to remain with the kin
614 group of the deceased until the child is reared to adulthood. Then she may leave, taking movable belongings that are her share, but, of course, foregoing any claims on real estate. The same procedure is followed in case of her marriage again.

[848] Illegitimate sons, including children of ex-slave concubines, also have the right to inheri their share of "rest", unless the presumed father has publicly rejected them as offspring. Girls who leave the kin group upon marriage, have claims only on movable property, not land. However, if the bridegroom settles on land belonging to the bride's kin, as happens in a minority of cases, the elders will allocate him land, and the male offspring will share in the inheritace.

[852] Allocations of land by the elders to the various biological families used to be made into great events and festivities particularly for the children. This was the only time children were singled out for attention, in this adult-centered culture. Thus the purpose of firmly impressing the event on their minds, to be always remembered and defended in the future, was achieved. In the absence of written legal titles, this procedure was necessary, and is still followed in some rural districts.

C. Semi-private Real Estate--"gult".

423 566 For many centuries past, land, with the peasants occupying it, has been assigned to feudal officers and soldiers, similar to fiefs of medieval Europe. These "gult" lands also resemble in principle the "miri" state lands of

586 having "torn the marriage agreement". Furthermore, the
684 woman can bring religious pressure to bear on the "manfas agway" if he hesitates in granting the divorce, by publicly ripping off her blue neckcord, the "mätäb", symbol of Christianity, thus threatening to run off to the Muslims because her mistreatment has become completely unendurable. Since the "Fetha Nägäst" also covers Guardianship, the "mänfäs agway" decides to whom children of a broken marriage are to be assigned: usually children under 7 years of age go to the mother, but an older child may be asked to indicate a choice. Boys over 10 usually are given to the father.

671 The new law codes of Emperor Haile Selassie I are patterned after European, modern codes and are in the process of more comprehensive codification at present. What has been done so far will be described later.

675 B. Contracts, Oath, and the Legal Person, in Abyssinian Traditional Law.

A contract, called "kedan" (the same word is used for "Testament" in Biblical reference), does not have to be written, and usually is not. But it must be witnessed, preferably by more than one reliable person, preferably male. The contracting parties formally announce their agreement, then touch their palms lightly, (ej mätta). If the contract is a last will and testa- 428 ment, the Confessor ("mänfäs agway") holds the thumb of the testator while the will is formally spoken aloud.

575 esses or belong to prestige families. Women members
608 are considered "sisters" of the fraternity, and men "brothers". This establishes an artificial kinship relation which is taken very literally by the more pious. Therefore, a husband and wife never belong to the same
[582] mahabbar. Among the more pious, a member may not marry the widow of a mahabbar "brother", for this would be "levirate" which is expressly prohibited by the church as a prechristian custom.

575 [428] According to traditional law, the mähabär inherits any property left by a deceased member who leaves no blood kin (consanguinal), in preferance to any relatives he might have by marriage (affinal). The mahabbar
[426 476] acts as a mutual aid society for its members, as banker, making loans to members in financial need by raising internal subscriptions, and will even pay for the "tazkar" memorial feast 40 days after a member's death if his
[608] family cannot afford to do it properly. Family and personal problems of all kinds are discussed among "brothers" and "sisters", thus crossing the usual kinship-
[584] lines of confidence and trust. Marriage arrangements between extended families having eligible youngsters are often first informally broached by women "sisters", who then agree to ask their husbands to act as intermediaries.

575 561 When children reach the "age of reason" (boys above 7 years of age) they may be accepted into a kind of junior mähabär by older boys; girls above 10 years of age into junior sororities of older girls. When a

1: Messing E-5 (1953-1954)1957 MP5 Amhara MP5

7. Family and Kinship in Social Organization.

602 The emphasis on the extended family and kin relations among the Amhara can hardly be exagerated. In all problems of life the Amhara first turns to family and kin. While the partilineal-patrilocal extended family is considered of first importance, consanguineal kinfolk on themother's side rank only slightly less in obligation and duties owed by the individual, and in benefits for which he can appeal. In contrast, affinal relationships are regarded as considerably less important in obligations and benefits,. This attitude is reinforced by the traditional law which emphasized inheritance in consanguineal relationships, even distant ones, over closer affinal relatives; and by the relatively easy divorce from the common "semanya" marriage.

602
539 Proverbs emphasizing various aspects of kin relations abound and are constantly cited as advice in problems, and in "socializing" and "enculturating" the young:

"The liar to win over,
to his brother and sister appeal",

(i.e., do not appeal to the judge, whom the liar may fool; but to his siblings, whom he cannot fool).

"Quarrels within the kinfolk,
(are like) insects on cabbage",

(i.e. they do not strike at the root, are not really destructive).

"Relatives and medicine,
in days of trouble seek them."

596 (private freehold), most common in the old-Amhara pro-
[428] vinces (and in Tigre). "Rest" land is inherited only by sons, not by daughters, except in the relatively rare case when a family short of young men permits a son-in-law to settle in its hamlet, whereupon some land may be inherited by the daughter who is consanguinal kin. Daughters may inherit movables such as cows, sheep, some personal belongings of their mother or father (of the father if there are no sons).

601 Kinship terms do not often differ between terms of address and reference, but often between formal and informal terms which are applied in a variety of ways ranging from authoritarian familiarity to endearments. Differences of gender are also expressed.

The generic term for kinfolk is "zämäd". Consanguinal kinfolk, on both the father's and mother's side, are called "wägän", and if they reside far away and are rarely seen the kinship is re-emphasized by the term "yäsega zämäd" (lit. kinship of one flesh). Consanguinal families sharing the same residential hamlet
[178] are called "betä zämäd" (lit. kinfolk of the house). It
[572] is noteworthy that in very recent times, in urban areas where kinship functions are somewhat attenuated, the term "zamad" has become extended to include a close personal, though not related, friend.

The affinal relationship is generically called "amachenät", a male affinal relative is addressed and referred to as "amach", a female as "amcha"; whether ego is male or female.

585 bride and groom merely expresses the prayerful wish that "God will show the way" to the lay couple toward "qurban", in time. In fact, middle-aged couples who have gone through several divorces and have finally decided definitely to spend the rest of their days together, may take the "aklil" in "qurban". Qurban for lay people, e.g. deacons, is performed usually only 40 days after their "semanya", to make certain that their marriage bond is strong and real and that no rift has arisen (e.g. if the bride had been found not a virgin).

588 "Damoz" marriage (lit. wage) is what the term implies. Most
487 commonly the arrangement is from month to month, but may be for longer or shorter periods, such as the duration of a caravan trip, or an extended stay at a major market, where the "damoz" wife offers the best and often the only available hotel and restaurant services. (She is similar to the Biblical lady in the city of Jericho). The term is a contraction of "dam-wag" (lit. "blood - and - sweat")
[465] compensation. Her wages vary greatly from region to region, and have considerably increased in recent years, for even the new, modern law recognized her claim. In the past she did well if she received ETH$5.-per month in addition to housekeeping expenses, but
[675] now some obtain ETH$20.- from traders. The agreement is made orally but before witnesses, so that she can go to court if the man defaults on his payments. If they separate at the expiration of the contract, she has no right to half his property as does the semanya
[428] wife, but if there are children conceived during her contract, the children can make a claim for part of the father's inheritance should he die.

down the resistance of the undisturbed customary societies in favour of his own centralized control. Thus in Wallo, an ancient Galla region, the people had been organized into seven districts under the rule of seven of the original families. When Menelik first wrested its allegiance from John he had to conciliate these local leaders, but later, when he became stronger, he weakened them and had the land measured and more evenly distributed. In 1916 when the *Negus* Mikael was defeated after an attempt to rebel, Wallo was parcelled out under generals, and soldiers were put in by the central government.

MEASUREMENT AND INHERITANCE

Before concluding this general account some answer must be given to the questions as to whether there was any survey and registration and what were the rules of inheritance?

There was, of course, no survey as the term is understood in England. There was a measurement, a *gasha*, which was the equivalent of 80 to 100 acres, and in some parts of the country and notably, as we shall see, in parts of the conquered south the land had been measured. In Ethiopian terms, 'the cord had been thrown', sometimes once and sometimes a second time, with more accuracy, after the land had been cleared and farmed. Measurement of the land gave the Emperor and his officers greater control over it and its resources and the prime mover in this process had been Menelik.

In the north, measurement has been by no means universal. In Gojjam, most stubborn and independent of provinces, and in Bagemdir there was no general measurement of land. In other northern provinces it appears that when estates were granted in recent times by the Emperor, especially those in *rest-gult* tenure, they were measured and registered. Small estates and the lands held by groups of *restenyas*, divided and at times redivided, were distinguished by natural landmarks and registered in men's minds or they might be entered into parish registers. The new land-tax of 1944 was based upon the unit of the *gasha*, but it is very doubtful whether measurement had been sufficiently carried through by this date to make it possible to execute the law upon this basis.

With regard to inheritance, we have seen that this was only held to be permissible for *rest* land though in fact it was far more widely applied. It was not permissible to leave land away from the family or the group, or equally to give or sell it, without the permission of those chiefly interested. In leaving land the owner could allocate as much as two thirds to his favourite child—and in some parts this could be a daughter—while the rest was divided equally between the other children.

7: Perham S-4 (no date)1948

MP5 Amhara MP5

and thirdly its derivation from the rights of some forefather who first took possession of the land. 423

Where the *resti* land was still held by a large kindred group, the individual family had a secondary or derived ownership of a piece of land adequate to meet its needs. When a son married and set up house he applied through his father to the council which allocated a plot to him within the kindred land. Thus the hereditary right was to land within that of the *endà*, not necessarily to a particular piece of land. Sons and, in certain conditions, daughters would inherit their father's rights. Before a man could give or sell his share of land he must offer it first to members of his *enda* and then to those of his village, and this restriction might apply to a subsequent sale of the land. It seems that in some parts the control of the *enda* council was even stricter and that the individual had no more than a very restricted usufruct, with frequent reallocation by lot. 423 428

The complexities of land tenure have only to be defined in these general terms to make it necessary to list numerous qualifications and apparent inconsistencies. These cannot all be given here. Mention must, however, be made of the system of village ownership, which, as a result largely of later immigration and of heavy pressure upon the land, had in some parts overlaid or ousted the *enda* ownership and the principle of *resti*. In these units (the development of which, though not begun by the Italian Government, was encouraged by it), the village council made an equal division of its lands, which were allocated by lot in three categories according to fertility, to all inhabitants of the village, whether *restenyas* or not. There was a redistribution at periods ranging from three to seven years. Village ownership appears to have been more just and flexible than that of the *enda*, though it is not clear how it dealt with improvements and permanent crops. 423

From the social aspect it is interesting to learn that everywhere, even where village ownership had deprived the *restenyas* of their special privileges with regard to land, their personal prestige remained. The *restenyas* were the people of superior status who, however small their holdings, could claim to belong to families which descended from the first family to hold the land. This gave them a peculiar status; it endowed them with a primacy in the local councils and even, in some parts, with certain small dues and privileges; it is from their ranks alone that the village chief, the *chiqa-shum*, was chosen. 423 554

In addition to these main forms of ownership the *restenyas* could create subsidiary forms by leasing or lending their land or, especially in the case of large and absentee landlords, by introducing a number of tenants to farm their land and pay with their services, the landlord 427

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

(MANZ)

*175 643 nable. As the rainy season was approaching, Haile Malakot retreated to Shoa, where he fell sick and died. For the first time since Nagāssi, Shoa was left without an effective leader. Tēwodros marched into Manz from Wallo, and Shoa capitulated with little struggle. Eleven-year-old Menelik, son of Haile Malakot, was taken hostage.

Ten years later Menelik escaped from the camp of Tēwodros and regained Shoa. Slowly and carefully he built up his power. Tēwodros' reign raced to its tragic end. Takla Giyorgis II reigned briefly at Gondar, the last emperor to sit there. Yohānnes IV of Tigre governed the country for seventeen years. When Yohānnes died, Negus Menelik was forty-five and ready. Nagāssi's seed, eight generations later, reached the throne of all Ethiopia on November 3, 1889.

CULTURAL PROFILES

The Manzē Ethos

*175 185 The goals of Nagāssi and his descendants, apart from simple increase of power, were to recover the lands taken from their fathers and to stiffen the authority of Christianity in Shoa. Their success was virtually unbroken by [181] reason of exceptional soldierly prowess and political perseverance. These are ideals and qualities embodied par excellence in the people of Manz.

423 Sanctity of *rīst*, or land inherited from one's parents, is a cardinal value in 181 the Manzē scheme of things. Such land must not be given or sold to anyone who is not a close relative. People generations removed from actual residents [428] of Manz still retain claims to family land there, still cherish the idea that if they so desired they could go back and live on it. As an urbanized Manzē once told his nephew in Addis Ababa: "No matter how far you travel abroad, no matter how long you stay away, you will always be able to think of your [539] family land in Manz as your true home." This sentiment is expressed in a proverb:

> *Ya-Manz rīst be-shi amatu/la-bālabētu.*
> Manz *rīst* to the thousandth year/belongs to the owner.

A squatter may fight to keep his land from falling to some stranger who claims it as having belonged to his grandfather, but in his heart he respects the values that support such a claim.

[577] By Manzē standards the good man is thus one who defends the land of his fathers, seeing that it is not sold to outsiders or that foreigners do not come to [685] take it. If someone plows another's land without permission, he must be punished. If the matter can be settled through litigation, well and good; if it requires recourse to violence, so be it. To let such an offense go unavenged [691] would be the worst sort of shame. Grievances concerning their "hereditary

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

reverted to the Crown unless specifically reconveyed to the heir by royal proclamation. Political office was no less precarious. Governors were made and unmade—by the traditional process known as *shum-shĭr* ("appoint-demote")—in short periods of time. The powerful position of governor of the maritime province (*bähr nagäsh*) changed hands four times during the six years that Alvares spent in Ethiopia. Even when tradition assigned a certain post to the descendants of a certain lord, the emperors were able to exert control by shifting their favor from one descendant to another from year to year. Titles, unlike land and office, were granted for life, as we observed; but they were in no case hereditary, and thus every Abyssinian's hope for a title, let alone a raise in rank, depended on the grace of the king or of his major appointees.

Given these conditions, it was not possible for the nobility to become a closed, hereditary estate, or to develop a corporate identity capable of confronting the imperial will. On the contrary, thanks to the emperor's freedom to ennoble anyone whom he chose, there was a relatively high degree of social mobility, and the ranks of the upper strata were continuously being reshuffled.

Outstanding personal properties of various sorts often enabled Ethiopians of low birth to rise to high positions. The emperors and great lords conferred honors on those who served especially well in military expeditions, whatever their origins. Menelik's promotion of two Galla prisoners to rank as his highest generals is a famous case in point. The royal favor occasionally smiled on low-born Ethiopians who excelled in such qualities as physical beauty or witty repartee.[32] Unquestionable personal loyalty was another quality in high demand; freed slaves were sometimes given offices and dignities, since their lack of ties to political families made them particularly trustworthy.

Abyssinians have thus cherished the idea that they could rise to a higher station in life than that to which they were born. Comparatively few ever tried to do so, probably, but ambitious souls were never wanting. Seeking some benefice, or the glory of a title, or a position of power that would permit them to help their kinfolk or avenge themselves for a wrong suffered at the hands of some superior, they would attach themselves to the lord whose fortunes seemed brightest at the moment and hope, by valorous service and God's favor, to arrive someday at an estimable position.[33]

Nevertheless, though ability and fortune might carry any man high in the political hierarchy, he would not thereby automatically be accepted as one of the *makuännent*. A self-respecting man of noble family would resist marrying his daughter to a commoner or person of dubious parentage, no matter how high a rank the latter obtained. For the Abyssinian nobility did form a self-conscious status group with a certain hereditary base. Its members shared a sense of superiority, a consciousness of kind, and an attitude toward commoners such as that expressed by the governor Takla Giyorgis to the Jesuit

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

565 554 Barradas: "Father, these villeins are like camels, they cry and groan when they are loaded, but in the end they carry the load that is put on them."[34] They set themselves off from the commoners, not only because of their style of life and subculture, but also because they came from well-known families.

Such sentiments were shared by the commoners. They would much rather be governed by a man from a noted family than by a person promoted from their own social level. The folkways expressed a disdain for the *nouvel arrivé*, for example, by poking fun at the office of *liqa maḳuās* (the king's double in time of battle). The *liqa maḳuās* was often a man from an unknown family, chosen because of his handsome features and resemblance to the king. The office permitted him to strut about in the king's clothes and inclined him to assume haughty airs. In some places it was customary to ridicule this upstart by referring to the minstrel, or *azmāri*, as *liqa maḳuās;* for the *azmāri*, too, was entitled to wear the kind of dress appropriate to the lord in whose banquet hall he performed, but the *azmāri* was a person of low prestige in Abyssinian society.

565 554 644

643 565 554 In other words: although the emperors could appoint and depose whenever they pleased, with or without cause; and though "the land and persons of their subjects are equally their property, and every inhabitant of their kingdom is born their slave"; by itself the principle of royal favor is clearly inadequate to explain the Abyssinian pattern of social stratification. For, unlike the neighboring kingdom of Buganda, Abyssinia was not a straightforward despotism in which the dispensation of a *ḳabaḳa* was sufficient to elevate a man into the highest social stratum.[35] The claims of a quasi-hereditary noble status group have also had to be satisfied.

[171]

565 How did this status group arise, and how have its claims been expressed and justified? What has been the history of its relationship with the monarchy? The existence of this class is anchored in the actual tendency for lands, office, and titles to be given to members of the same families. In reality, the emperors frequently let such possessions pass from father to son, either because they were in too distant a region or because there was no good cause for taking them away, and on occasion drew up written charters assigning grants of land to a man and his future descendants.[36] Indeed, one form of land tenure, known as *rïsta-gult*, was precisely a sort of hereditary fief, given in exchange for military service over the generations. In certain areas, moreover, it was a matter of tradition that the governorship be given to members of a certain family. Finally, although no man inherited a title, as son of a nobleman he might inherit the culture and facilities that would give him a much better chance than any commoner to obtain a title of his own.

[423] [631] [554]

[423] [631] [554] [428]

Two other aspects of Abyssinian society supported this tendency toward the development of what amounted to local dynasties of nobility. One was the prestige attached to the "chiefs of Israel," any of the nobility who could

[554]

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

permissive rather than prescriptive, and the degree to which individual rights are protected against the demands of collectivities. 121*

In pursuing this analysis we shall examine in turn the three main institutional orders which were structurally differentiated in Amhara society: the kinship system, the church, and the military-political system. In conclusion we shall discuss some more general features of social organization among the Amhara which relate to the question of individual independence.

Kinship

A base line of social constraint among the Amhara is provided by the obligations inherent in their family system. The husband must work to provide food and to defend the boundaries of the family land against all comers. The wife must care for all that transpires within the home compound—preparing of food, fetching water, caring for infants, spinning cotton, tending the fire—and must avoid sexual relationships with other men. The children must tend the flocks, do other work chores, and generally obey the slightest command of any of their elders. Neglect of any of these basic obligations brings sharp reprisals: divorce of the husband, beatings of the wife and children. 121* 593 462 [857]

Obligations toward the parents persist, moreover, long after the children have married and established families of their own. Young married men are supposed to contribute one or two days a week to working their fathers' land, and to assist them in time of litigation. They are obliged to care for their parents when the latter have become too old to provide for themselves, an obligation sometimes discharged on a rotating basis among the surviving children. There is also a solemn obligation for the children to arrange the appropriate memorial feasts (*tazkār*) following the death of a parent, especially the one that is due on the fortieth day after death. 121* 593 [888] [764] [765]

Adolescent children are subject to the will of their parents with respect to choice of a spouse, and youths are expected to follow their fathers' wishes in connection with adult work roles. Threat of disinheritance is the powerful consideration that underpins these constraints. For their part, the parents are obliged to keep their land in the family. They may not sell it to outsiders, and must bequeath goods and land to their children, dividing them equally among the consanguine children, with perhaps a certain amount extra for the oldest son. [882] [423] [428]

With regard to siblings and more distant kin, however, relations are rather casual and obligations few. Although residence tends to be virilocal among the Amhara, descent is bilateral. Except for a small number of royal and aristocratic families, therefore, there are no obligations with respect to corporate lineages. The absence of formal structure in extended kin relations is 121* 602 [593] [591] [611] [601]